

Name Marquette H.
 Address P.O. Box 4000 GSP Solano
VACAVILLE CA 94996
-4000

CDC or ID Number

P-32844

E-filing

FILED
 MAR 28 AM 10:43
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

U.S. District
450 Golden Gate Ave
 (Court) SF. 94102-3483

Harold R Marquette
 Petitioner

vs.

San Diego Superior
 Respondent

Judge Clerk Jeff E Gorder

PETITION FOR WRIT OF HABEAS CORPUS

No.

(To be supplied by the Clerk of the Court)

MHP

(PR)

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

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This petition concerns:

- ☒ A conviction
 ☐ Parole
☐ A sentence
 ☐ Credits
☐ Jail or prison conditions
 ☐ Prison discipline
☐ Other (specify): _____

1. Your name: H. Marquette
 2. Where are you incarcerated? C.S.P. Solano
 3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Lewd - 1es 288. (a)

- b. Penal or other code sections: 288. (a)

- c. Name and location of sentencing or committing court: SHASTA COUNTY Superior

1525 COURTST Redding 96001

- d. Case number: # 06 F 7253

- e. Date convicted or committed: Sep 9th 2006

- f. Date sentenced: JUNE 22nd 2007

- g. Length of sentence: NINE YEARS

- h. When do you expect to be released? 2014

- i. Were you represented by counsel in the trial court? ☐ Yes. ☒ No. If yes, state the attorney's name and address:

Jeff. F. Gorder REFUSED TO TAKE ME TO TRIAL

4. What was the LAST plea you entered? (check one)

- ☐ Not guilty
 ☒ Guilty
 ☐ Nolo Contendere
 ☐ Other: Under extreme Duress

5. If you pleaded not guilty, what kind of trial did you have?

- ☐ Jury
 ☐ Judge without a jury
 ☐ Submitted on transcript
 ☐ Awaiting trial

6. GROUNDS FOR RELIEF

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Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

My public Defender forced me to A plea
even after admitting verbal abuse at Marsden
He told me He would see to it I receive
18 yrs if I went to Jury Trial

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

My Attorney Jeff Edward Gorder
Refused to present my case to
A Jury He openly admitted verbal abuse
of me and angry outburst and name
calling During A Jail Interview
He told me If I didn't take A plea
He would see to it I received the
Maximum Sentence the A.C.U. and
Bar Investigated said I had legit claim
I tried to fire Mr Gorder Seventeen
times the Head Attorney and Judge Curie
Refused to Dismiss Him.

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

7. Ground 2 or Ground _____ (if applicable):

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a. Supporting facts:

b. Supporting cases, rules, or other authority:

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8. Did you appeal from the conviction, sentence, or commitment? ☒ Yes. ☐ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

SHASTA COUNTY SUPERIOR

b. Result Denied

c. Date of decision: Feb 7th 08

d. Case number or citation of opinion, if known:

e. Issues raised: (1) Appeal for forced coerced plea

(2) _____

(3) _____

f. Were you represented by counsel on appeal? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☐ Yes ☒ No. If yes, give the following information:

a. Result _____

b. Date of decision: _____

c. Case number or citation of opinion, if known: ?

d. Issues raised: (1) _____

(2) _____

(3) _____

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

Appeal Refused Due to I could not find Attorney to present it to courts in time

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

None

b. Did you seek the highest level of administrative review available? ☐ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.

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12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or **issue** in any court? ☒ Yes. If yes, continue with number 13. ☐ No. If no, skip to number 15.

13. a. (1) Name of court: SHASTA COUNTY SUPERIOR
 (2) Nature of proceeding (for example, "habeas corpus petition"): AND APPEAL
 (3) Issues raised: (a) WRONGFUL CONVICTION DUE TO
 (b) CORRUPTION
 (4) Result (Attach order or explain why unavailable): _____
 (5) Date of decision: _____
- b. (1) Name of court: _____
 (2) Nature of proceeding: _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (Attach order or explain why unavailable): _____
 (5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:
- _____
- _____

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)
- _____
- _____

16. Are you presently represented by counsel? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:
- _____

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☒ No. If yes, explain:
- _____

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:
- SHASTA COURT

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: _____

PETITION FOR WRIT OF HABEAS CORPUS

SIGNATURE OF PETITIONER

CSP SOLANO
STATE PRISON



UNITED STATES POSTAGE

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